

Henry E. Crawford

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March 22, 1999

BY HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington D.C. 20554

RECEIVED
MAR 22 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re:

Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations Palacios, Texas
MM Docket No. 99-13; RM-9428

Dear Ms. Salas:

Transmitted herewith on behalf of Prawn Broadcasting Company are an original and four (4) copies of its "Comments and Counterproposal" as directed to the Allocations Branch, Policy and Rules Division, Mass Media Bureau.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford
Counsel for
Prawn Broadcasting Company

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List A B C D E

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Palacios, Bay City, El Campo
and Matagorda, Texas)

Docket No. 99-13

RM-9428

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL

Prawn Broadcasting Company ("Prawn Broadcasting"), by counsel,
pursuant to 47 CFR §§ 1.415, 1.420, hereby submits its Comments and
Counterproposal in connection with the above-captioned proceeding. In support
thereof, Prawn Broadcasting states as follows:

I. The Counterproposal

A. Introduction

1. On December 10, 1998, Prawn Broadcasting filed its Petition for
Rulemaking ("Petition") in the instant proceeding proposing the allotment of
Channel 252A to Palacios, Texas, as that city's second FM broadcast service.
On January 29, 1999, the Commission released the Notice of Proposed Rule
Making ("NPRM") proposing to allot Channel 252A at Palacios, Texas.

2. In reviewing its original counterproposal, Prawn Broadcasting has discovered an alternative proposal that would result in a preferred arrangement of allotments. The instant counterproposal is as follows:

City	Present	Proposed
Palacios, Texas	259C2	264A
Matagorda, Texas	--	252A
Bay City, Texas	269C1, 273C2	259C2, 269C1
El Campo	245C1	245C1, 273C1

3. In accordance with the counterproposal, the Channel 252A assignment originally proposed in the Petition would be assigned to the community of Matagorda, Texas as a first local service. Palacios, Texas would then be assigned Channel 264A. This would allow Channel 259C2 to be substituted for Channel 273C2 at Bay City, Texas and the license of KMKS(FM) modified accordingly. FM Station KKOS, which currently operates on Channel 259C2 would be assigned Channel 273C1 at El Campo, Texas. As noted in the Engineering Statement attached hereto as Exhibit 1, the allotment of the respective channels can be made in full compliance with the Commission's minimum mileage and city grade requirements.¹

B. Matagorda, Texas

4. The allotment of Channel 252A would bring a first local service to the community of Matagorda, Texas. According to the 1999 Rand McNally Road Atlas, the community of Matagorda has a population of 850 persons. It is located in Matagorda County which has a population of 36,928 persons.

¹ Engineering Statement, p. 3.

C. Palacios, Texas

5. Assignment of Channel 264A to Palacios, Texas would maintain FM service at this community.

D. Bay City, Texas

6. As demonstrated in the Engineering Statement, Channel 259C2 can be substituted for Channel 273C2 at Bay City, Texas, which is presently assigned to KMKS(FM).² This channel substitution can be effectuated at the authorized site of KMKS(FM).³ This channel substitution would allow the license of KKOS(FM) to be amended to specify operation on Channel 273C1 at El Campo, Texas.

E. El Campo, Texas

7. The allotment of Channel 273C1 would bring a second high power FM facility to El Campo, Texas. As documented in the Engineering Statement, this assignment is in complete compliance with all applicable Commission rules. The proposed reallocation of Channel 259C2 at Palacios to a new location on Channel 273C1 at El Campo would be a protected move insofar as KKOS(FM) is giving up its channel at Palacios for use by KMKS at Bay City. Therefore, it would not be subject to outside expressions of interest. The licensee of KKOS, Fort Bend Broadcasting, is aware of this present counterproposal and has agreed to

² Prawn Broadcasting is aware that the Commission's database reflects the existence of Channel 273C1 at Bay City, Texas. Prawn Broadcasting believes that is in error because the channel has no applications pending and has been in the database for over a decade. Should Prawn Broadcasting be mistaken in its assumption, it hereby requests that Channel 273C1 at Bay City be deleted.

³ See Engineering Statement, Exhibit E-3.

the changes proposed in the counterproposal.⁴ Fort Bend Broadcasting has stated its commitment to file an application to facilitate those changes.

F. Commitment to Construct New Facilities and Reimbursement of Expenses

8. Prawn Broadcasting pledges to reimburse all necessary and prudent expenses incurred by any party to this proceeding in making the facility changes contained in this proposal. Prawn Broadcasting will reimburse the licensee of KMKS for any and all reasonable and prudent expenses incurred in changing its channel from Channel 273C2 to 259C2. Prawn Broadcasting will also reimburse Fort Bend Broadcasting Company, the licensee of KKOS for any and all reasonable and prudent expenses incurred in changing its channel from Channel 259C2 at Palacios to 273C1 at El Campo.

9. Prawn Broadcasting pledges that if the Commission assigns Channel 264A to Palacios, Texas, Prawn Broadcasting will apply for a construction permit and will construct a new facility upon award of that permit. Prawn Broadcasting further pledges that if the Commission assigns Channel 252A to Matagorda, Texas, Prawn Broadcasting will apply for a construction permit and will construct a new facility upon award of that permit.

II. Conclusion

10. The present counterproposal will result in the allotment of new FM services at the communities of Palacios and Matagorda, Texas. The signal of KKOS(FM) will be upgraded, while the FM service provided by KMKS(FM) to the

⁴ See Declaration, attached hereto as Exhibit 2.

community of Bay City, Texas will not be interrupted in any substantial manner. Consequently, Prawn Broadcasting requests that the following counterproposal be accepted by the Commission and the FM Table of Allotments be amended accordingly:

City	Present	Proposed
Palacios, Texas	259C2	264A
Matagorda, Texas	--	252A
Bay City, Texas	269C1, 273C2	259C2, 269C1
El Campo	245C1	245C1, 273C1

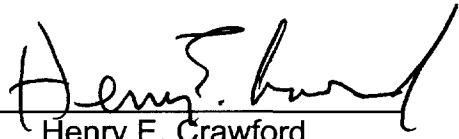
WHEREFORE, it is respectfully submitted that the instant counterproposal is in the public interest and should be adopted.

March 22, 1999

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Respectfully Submitted,

Prawn Broadcasting Company

By: 
Henry E. Crawford
Its Attorney

Prawn Broadcasting Company
Comments and Counterproposal
March 22, 1999

EXHIBIT 1

Prawn Broadcasting Company

**COMMENTS AND COUNTERPROPOSAL
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**

MM Docket 99-13
Palacios, Texas
March 1999

(c) 1999
F. W. Hannel, PE
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STATE OF ILLINOIS)
)
COUNTY OF PEORIA) SS:

F. W. Hannel, after being duly sworn upon oath,
deposes and states:

He is a registered Professional Engineer, by
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor
of Science and Master of Science degrees, both in Electrical
Engineering;

His qualifications are a matter of public record and
have been accepted in prior filings and appearances requiring
scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him
personally or under his supervision and direction and;

The facts stated herein are true, correct, and
complete to the best of his knowledge and belief.

March 21, 1999


F. W. Hannel, P.E.

F. W. Hannel, PE
911 Edward Street
Henry, Illinois 61537
(309) 364-3903
Fax (309) 364-3775

Prawn Broadcasting Company

**COMMENTS AND COUNTERPROPOSAL
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**

MM Docket 99-13
Palacios, Texas
March 1999

ENGINEERING STATEMENT

This firm has been retained by Prawn Broadcasting Company to prepare these Comments and Counterproposal in the above captioned proceeding seeking the allotment of FM Channel 252A to the community of Palacios, Texas. Since the filing of the Rulemaking Proposal, Prawn Broadcasting Company has determined that a more efficient use of the spectrum exists, as is more fully documented in these Comments and Counterproposal. Specifically, Prawn is seeking that FM Channel 252A be assigned to Matagorda, Texas, as that community's first local service; that FM Channel 264A be assigned to the community of Palacios, Texas; that FM Channel 259C2 be substituted for the presently assigned FM Channel 273C2 at Bay City, Texas, and that the license of Radio Station KMKS(FM) be amended to specify operation on FM Channel 259C2; and that the license of Radio Station KKOS(FM), Palacios, Texas, be amended to specify operation on FM Channel 273C1 with its community of license specified as El Campo, Texas. As shown in this statement, the allotment of the respective channels can be made in full compliance with the Commission's minimum mileage and city grade requirements.

Prawn Broadcasting Company requests the assignment of FM Channel 252A to the community of Matagorda, Texas, as that community's first local service. The assignment can be made at the reference co-ordinates for that community, (N28-41-26, W95-58-02). The community of Matagorda has a population of 850 persons, and is located in Matagorda County, which has a population of 36,928 persons, according to the 1999 Rand McNally Atlas, and is fully qualified as a community for FM allotment

purposes. An FM Channel study for FM Channel 252A, conducted from the city reference co-ordinates, (N28-41-26, W95-58-02), is attached as Exhibit E-1, which demonstrates that the proposed assignment fully complies with the Commission's minimum mileage separation requirements.

Prawn Broadcasting Company is requesting the of FM Channel 264A to the community of Palacios, Texas. The assignment can be made at reference co-ordinates N28-44-34, W96-18-52, approximately 3 miles northwest of the community of Palacios, Texas, (city reference co-ordinates N28-42-28, W96-13-02). A transmitter operating from the allotment reference co-ordinates fully illuminates the city with the required 70 dbu signal intensity, and the allotment reference co-ordinates fully comply with the Commission's mileage separation requirements as is demonstrated in Exhibit E-2.

FM Channel 259C2 can be substituted for the presently assigned FM Channel 273C2 at Bay City, Texas, at the authorized site of Radio Station KMKS(FM), as is demonstrated in Exhibit E-3¹. Prawn is seeking this channel substitution and the amendment of the license of KMKS(FM) to specify operation on FM Channel 259C2 so that the license of Radio Station KKOS(FM) can be amended to specify operation on FM Channel 273C1 at El Campo, Texas.

FM Channel 273C1 can be assigned to the community of El Campo, Texas, utilizing reference co-ordinates N29-19-23, W96-32-26. This allotment site is located approximately 18 miles northwest of the community of El Campo, Texas, (city co-ordinates N29-11-47, W96-16-10). and a transmitter operating from this allotment site will fully illuminate the city with the required 70 dbu signal intensity. Exhibit E-4 is an FM Channel Study conducted on FM Channel 273C1, which demonstrates that the proposed assignment fully complies with the Commission's minimum mileage separation requirements.

¹ FM Channel 259C1 can be assigned to Bay City, Texas, with a reference site east of the community and Radio Station KMKS(FM) can seek an automatic one step upgrade at its present transmitter site under the provisions of Secion 73.215 of the Commission's Rules, should that licensee choose to improve its facilities.

In view of the foregoing, it is respectfully requested that the Commission amend the FM Table of Assignments as follows:

City	Present	Proposed
Palacios, Texas	259C2	264A
Matagorda, Texas	---	252A
Bay City, Texas	269C1, 273C2	259C2, 269C1
El Campo	245C1	245C1, 273C1

The above proposal creates a new first local service, an additional service at Palacios, Texas, and a new wide coverage area facility at El Campo, Texas. The changes proposed does not result in any community being deprived of service, while it is clear that the public interest is served by the creation of the additional and new service.

Prawn Broadcasting Company

**COMMENTS AND COUNTERPROPOSAL
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**

MM Docket 99-13

Palacios, Texas

March 1999

Exhibit E-1

Matagorda, Texas
FM CHANNEL 252A

N28-41-26

W95-58-02

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	Houston	TX	250	C	U	107.8	95.0	24.4°	12.8
KBXX	Houston	TX	250	C	L	107.8	95.0	24.4°	12.8
KBXX	Houston	TX	250	C	L	107.8	95.0	24.4°	12.8
ALC	Odem	TX	252	C2	U	180.0	166.0	236.8°	14.0
ALC	Columbus	TX	252	A	U	126.5	115.0	332.2°	11.5
ALC	Palacios	TX	252	A	A	17.5	115.0	286.8°	-97.5
KLHB	Odem	TX	252	C3	L	174.7	142.0	239.6°	32.7
KLHB	Odem	TX	252	C2	C	176.5	166.0	235.6°	10.5
KULMFM	Columbus	TX	252	A	L	126.5	115.0	332.2°	11.5
ALC	Victoria	TX	254	C1	U	107.8	75.0	277.2°	32.8
KTXNFM	Victoria	TX	254	C1	L	107.8	75.0	277.2°	32.8

All distances in Kilometers

Prawn Broadcasting Company

**COMMENTS AND COUNTERPROPOSAL
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**

MM Docket 99-13

Palacios, Texas

March 1999

Exhibit E-2

Palacios, Texas
FM CHANNEL 264A
N28-44-34
W96-18-52

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	Houston	TX	262	C	U	121.1	95.0	40.3°	26.1
KILTFM	Houston	TX	262	C	L	121.1	95.0	40.3°	26.1
ALC	Refugio	TX	263	A	A	103.6	72.0	245.2°	31.6
ALC	Austin	TX	264	C	U	226.6	226.0	320.5°	0.6
KASE	Austin	TX	264	C	L	226.7	226.0	320.5°	0.7
KASE	Austin	TX	264	C	L	226.7	226.0	320.5°	0.7
KASE	Austin	TX	264	C	L	226.6	226.0	320.5°	0.6
KRTXFM	Winnie	TX	264	C	L	226.1	226.0	50.1°	0.1
ALC	Victoria	TX	265	A	U	72.0	72.0	274.1°	0.0
KEPG	Victoria	TX	265	A	L	72.0	72.0	274.1°	0.0
NEW	Victoria	TX	265	A	A	73.5	72.0	276.1°	1.5
ALC	Houston	TX	266	C	U	121.1	95.0	40.3°	26.1
KLOL	Houston	TX	266	C	L	121.1	95.0	40.3°	26.1
KLOL	Houston	TX	266	C	L	121.1	95.0	40.3°	26.1

All distances in Kilometers

Prawn Broadcasting Company

**COMMENTS AND COUNTERPROPOSAL
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**

MM Docket 99-13

Palacios, Texas

March 1999

Exhibit E-3

Bay City, Texas
FM CHANNEL 259C2

N28-49-47

W96-09-17

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	Houston	TX	256	C	U	106.8	105.0	36.0°	1.8
KODA	Houston	TX	256	C	L	131.3	105.0	35.6°	26.3
KODA	Houston	TX	256	C	L	106.8	105.0	36.0°	1.8
ALC	San Antonio	TX	258	C	U	212.2	188.0	284.5°	24.2
KISSFM	San Antonio	TX	258	C	L	212.2	188.0	284.5°	24.2
ALC	Palacios	TX	259	C2	U	11.2	190.0	130.0°-178.8	
KKOS	Palacios	TX	259	C2	L	9.5	190.0	139.0°-180.5	
ALC	Robstown	TX	260	C1	U	179.1	158.0	231.7°	21.1
KSAB	Robstown	TX	260	C1	L	184.0	158.0	230.5°	26.0
KTXM	Hallettsville	TX	260	A	L	105.9	106.0	314.2°	-0.1
ALC	Houston	TX	262	C	U	106.8	105.0	36.0°	1.8
KILTFM	Houston	TX	262	C	L	106.8	105.0	36.0°	1.8

All distances in Kilometers

Prawn Broadcasting Company

**COMMENTS AND COUNTERPROPOSAL
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**

MM Docket 99-13
Palacios, Texas
March 1999

Exhibit E-4

El Campo, Texas
FM CHANNEL 273C1
N29-19-23
W96-32-26

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	Houston	TX	271	C	U	105.3	105.0	74.7°	0.3
KMJQ	Houston	TX	271	C	L	115.5	105.0	67.4°	10.5
KMJQ	Houston	TX	271	C	L	123.5	105.0	67.0°	18.5
KMJQ	Houston	TX	271	C	L	105.3	105.0	74.7°	0.3
ALC	Austin	TX	272	C2	U	158.4	158.0	307.8°	0.4
ALC	Rockport	TX	272	C2	U	178.1	158.0	201.2°	20.1
KBTE	Rockport	TX	272	C2	L	174.1	158.0	200.8°	16.1
KBTE	Rockport	TX	272	C2	C	174.5	158.0	202.3°	16.5
KPEZ	Austin	TX	272	C2	L	159.5	158.0	308.7°	1.5
ALC	Bay City	TX	273	C1	V	26.8	245.0	157.1°	-218.2
ALC	Beaumont	TX	273	C2	U	246.5	224.0	72.7°	22.5
ALC	Hillsboro	TX	273	C1	U	283.6	245.0	347.9°	38.6
KBRQ	Hillsboro	TX	273	C1	L	283.6	245.0	347.9°	38.6
KMKS	Bay City	TX	273	C2	L	69.4	224.0	147.2°	-154.6
KTCX	Beaumont	TX	273	C2	L	234.2	224.0	71.6°	10.2
ALC	Caldwell	TX	274	A	A	140.9	133.0	351.0°	7.9
ALC	San Antonio	TX	274	C1	U	189.1	177.0	273.2°	12.1
KTFM	San Antonio	TX	274	C1	L	189.1	177.0	273.2°	12.1
ALC	Houston	TX	275	C	U	126.1	105.0	67.6°	21.1
KLTN	Houston	TX	275	C	L	126.1	105.0	67.6°	21.1

All distances in Kilometers

Prawn Broadcasting Company
Comments and Counterproposal
March 22, 1999

EXHIBIT 2

DECLARATION

I, Roy E. Henderson, President of Fort Bend Broadcasting Company ("Fort Bend"), under penalty of perjury, hereby state and declare the following:

1. Fort Bend is the licensee of FM station KKOS(FM), on Channel 259C2 at Palacios, Texas.

2. Fort Bend is aware of the Commission's rulemaking in Docket 99-13, RM-9428. Fort Bend is further aware of the Comments and Counterproposal which have been prepared by Prawn Broadcasting Company ("Prawn Broadcasting") for filing with the Commission on March 22, 1999 and the effect that the adoption of the Prawn Broadcasting proposal contained therein would have upon the operation of KKOS(FM). Fort Bend agrees to have the license of station KKOS(FM) modified as specified in the comments and counterproposal.

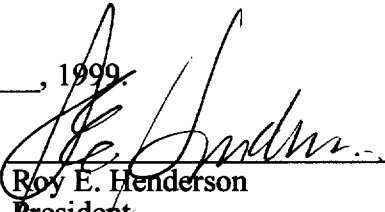
3. Fort Bend will file an application to implement the changes should the Commission require such changes.

4. Fort Bend's agreement is limited to the modifications requested by Prawn Broadcasting in its Comments and Counterproposal and is contingent upon the granting of those modifications.

5. Fort Bend understands that this statement may be used in a filing with the Federal Communications Commission and hereby authorizes its use for that purpose.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 19th day of March, 1999.


Roy E. Henderson
President
Fort Bend Broadcasting
Company

CERTIFICATE OF SERVICE

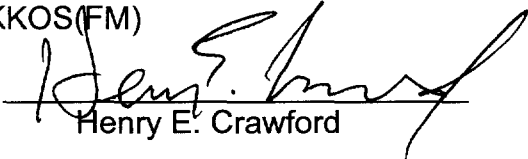
I, Henry E. Crawford, do hereby certify that copies of the foregoing
Comments and Counterproposal have been served by United States mail,
postage prepaid this 22nd day of March, 1999 upon the following:

*Kathleen Scheuerle
Allocations Branch, Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., 5th Floor
Washington, D.C. 20554

Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, Texas 77404
Licensee of KMKS(FM)

Fort Bend Broadcasting Company
P.O. Drawer 948
Houston, TX 77001
Licensee of KKOS(FM)

*Hand Delivered


Henry E. Crawford